

**ENTERED**

April 20, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

TODD ALLEN TERRELL,

Plaintiff,

v.

LUCILLE SCHERER, MARY ANN  
RIVERA, JEFF MEYER, and JOE WALL,

Defendants.

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**Civil Action No. 6:22-CV-00003**

**ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION**

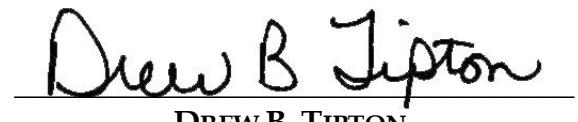
Pending before the Court is the March 17, 2022 Memorandum and Recommendation (“M&R”) signed by Magistrate Judge Jason B. Libby. (Dkt. No. 8). In the M&R, Magistrate Judge Libby *sua sponte* recommends dismissing *pro se* Plaintiff Todd Allen Terrell’s case under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440 (5th Cir. 2016). Terrell failed to appear for a hearing before Magistrate Judge Libby on March 17, 2022 and has otherwise made no contact with the Court since February 16, 2022.

Terrell was provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Terrell did not object. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005).

No plain error appears. Accordingly, the Court **ACCEPTS** the M&R as the Court’s Memorandum Opinion and Order. The Court **DISMISSES WITHOUT PREJUDICE** this case under Federal Rule of Civil Procedure 41(b).

It is SO ORDERED.

Signed on April 19, 2022.

  
Drew B. Tipton  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE